

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

Edward T. McGrath and
Sandra L. McGrath,

Debtors

Edward T. McGrath and
Sandra L. McGrath,

Plaintiffs

vs.

Fifth Third Bank, N.A.,

Defendant

NO. 17-21086-CMB

CHAPTER 13

ADV. NO. 17-02216-CMB

STIPULATION AND ORDER

AND NOW, come the undersigned parties, by and through their respective counsel, and enter into the following Stipulation:

WHEREAS, Debtors have filed a Complaint to Determine Secured Pursuant to 11 U.S.C. § 506 in the above matter;

WHEREAS, Debtors' complaint requests that the court determine that Defendant is an unsecured creditor, and that Defendant's mortgage is no longer a lien against the Debtors' residence at 75 Linshaw Avenue, Pittsburgh, PA 15205;

WHEREAS, Defendant has filed an answer to the complaint.

It is therefore Stipulated and agreed as follows:

1. Defendant's claim shall be treated as unsecured for the purposes of this Chapter 13 case.
2. Defendant may file an unsecured proof of claim within thirty (30) days from the date of the order approving this Stipulation.
3. The mortgage of the Defendant, Fifth Third Bank, recorded in the Recorder's Office for Allegheny County, Pennsylvania on December 30, 2005 at Mortgage Book Volume 31309, Page

278, Document No. 2005-157771, is avoided as a lien as to Debtor's property at 75 Linshaw Avenue, Pittsburgh, PA 15205, effective at the successful conclusion of Debtors' Chapter 13 case.

4. Upon the entry of a discharge order in Debtors' Chapter 13 case, the Debtors may record this Order with the Court of Common Pleas to evidence the avoidance of this lien.

5. This Stipulation shall be null and void if the Debtors fail to make all payments due pursuant to the terms of their confirmed Chapter 13 plan, or if the Debtors' case is dismissed or converted to a case under Chapter 7.

Consented to by:

/s/ David Z. Valencik, Esquire

David Z. Valencik, Esquire
Calaiao Valencik
Attorney for Debtors
428 Forbes Avenue, Suite 900
Pittsburgh, PA 15219-1621
Phone: 412-232-0930
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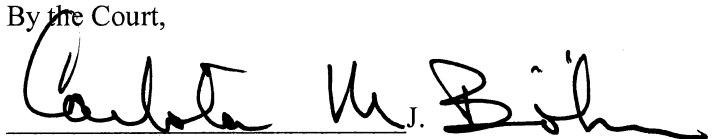
/s/ James C. Warmbrodt, Esquire

James C. Warmbrodt, Esquire
KML Law Group, P.C.
Attorney for Defendant
701 Market Street, Suite 5000
Philadelphia, PA 19106
Phone: 215-627-1322
jwarmbrodt@kmlawgroup.com

It is hereby ORDERED that the parties' Stipulation be and hereby is APPROVED.

By the Court,

Dated: January 10, 2018


Carlos M. Bih

FILED
1/10/18 2:18 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

Certificate of Notice Page 3 of 3
 United States Bankruptcy Court
 Western District of Pennsylvania

McGrath,
 Plaintiff

Adv. Proc. No. 17-02216-CMB

Fifth Third Bank, N.A.,
 Defendant

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dric
 Form ID: pdf900

Page 1 of 1
 Total Noticed: 6

Date Rcvd: Jan 10, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 12, 2018.

pla	+Edward McGrath, 75 Linshaw Avenue, Pittsburgh, PA 15205-2048
dft	+Fifth Third Bank, N.A., 5050 Kinglsey 1M0C2J, Cincinnati, OH 45263-0001
pla	+Sandra McGrath, 75 Linshaw Avenue, Pittsburgh, PA 15205-2048

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

ust	+E-mail/Text: ustpreion03.pi.ecf@usdoj.gov Jan 11 2018 02:13:44	
	Office of the United States Trustee, Liberty Center., 1001 Liberty Avenue, Suite 970,	
	Pittsburgh, PA 15222-3721	
ust	+E-mail/Text: USTPRegion03.HA.ECF@USDOJ.GOV Jan 11 2018 02:13:45	United States Trustee,
	228 Walnut Street, Suite 1190, Harrisburg, PA 17101-1722	
ust	+E-mail/Text: ustpreion03.ph.ecf@usdoj.gov Jan 11 2018 02:13:44	United States Trustee,
	Office of the U.S. Trustee, 833 Chestnut Street, Suite 500, Philadelphia, PA 19107-4405	
		TOTAL: 3

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 12, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 10, 2018 at the address(es) listed below:

David Z. Valencik	on behalf of Plaintiff Edward McGrath	dvalencik@c-vlaw.com,
		cvlaw.ecf.dvalencik@gmail.com; aheath@c-vlaw.com; kmosur@c-vlaw.com; bhassain@c-vlaw.com; ssimmons@c-vlaw.com
David Z. Valencik	on behalf of Plaintiff Sandra McGrath	dvalencik@c-vlaw.com,
		cvlaw.ecf.dvalencik@gmail.com; aheath@c-vlaw.com; kmosur@c-vlaw.com; bhassain@c-vlaw.com; ssimmons@c-vlaw.com
James Warmbrodt	on behalf of Defendant Fifth Third Bank, N.A.	bkgroup@kmlawgroup.com
Mary F. Kennedy	on behalf of Defendant Fifth Third Bank, N.A.	mary@javidianlaw.com,
		tami@javidianlaw.com
Michael Kaminski	on behalf of Plaintiff Sandra McGrath	mkaminski@c-vlaw.com,
		jadam@c-vlaw.com; kmosur@c-vlaw.com; bhassain@c-vlaw.com; ssimmons@c-vlaw.com
Michael Kaminski	on behalf of Plaintiff Edward McGrath	mkaminski@c-vlaw.com,
		jadam@c-vlaw.com; kmosur@c-vlaw.com; bhassain@c-vlaw.com; ssimmons@c-vlaw.com

TOTAL: 6